CLERK'S COPY.

146

85796
U. S. S. C.

TRANSCRIPT OF RECORD

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1937

No. 146

THE UNITED STATES OF AMERICA, PETITIONER

vs.

RALPH RAYNOR

No. 147

THE UNITED STATES OF AMERICA, PETITIONER

vs.

CHETT FOWLER

ON WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT

PETITION FOR CERTIORARI FILED JUNE 15, 1937.

CERTIORARI GRANTED OCTOBER 11, 1937.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1937

No. 146

THE UNITED STATES OF AMERICA, PETITIONER

vs.

RALPH RAYNOR

No. 147

THE UNITED STATES OF AMERICA, PETITIONER

vs.

CHETT FOWLER

ON WRITS OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT

INDEX

	Page
Record from D. C. U. S., Southern Indiana	1
Placita	1
Indictment	2
Arraignment and plea	3
Trial entry	4
Motion of defendants for directed verdict of not guilty at conclusion of all evidence	5
Verdict	7
Defendants' motion for a new trial	8
Judgment and sentence	10
Order re original exhibits	11
Bill of exceptions	11
Caption	11
Government's Witnesses:	
Burton, John O	52
Cones, Clarence	11
Gallagher, Thomas A	19
Defendants' Witnesses:	
Hargitt, George W	69
Keller, John W	63
Newcomb, James B	70
Paramore, Burney R	67

Record from D. C. U. S., Southern Indiana—Continued.
Bill of exceptions—Continued. Page
Admission of exhibits 71
Instruction re Count 1 72
Court's instructions to the jury 72
Exceptions and objections to instructions 79
Certificate of Judge 80
Motion to transmit original exhibits to Circuit Court of Appeals 81
Notice of appeal by Ralph Raynor 83
Grounds of appeal 83
Notice of appeal by Chett Fowler 88
Grounds of appeal 88
Assignment of errors by defendants Raynor and Fowler 89
Order of Nov. 17, 1936, fixing amount of bonds 92
Bond of Ralph Raynor 92
Bond of Chett Fowler 94
Petition and order extending time to settle bill of exceptions, etc 97
Stipulation and order that there be joint transcript of record and joint assignment of errors, etc 98
Joint praecipe for record 99
Certificates of Clerks 101
Proceedings in U. S. C. C. A., Seventh Circuit, Case of U. S. vs. Raynor 103
Recital as to notice of appeal 103
Docket entries, D. C. U. S 104
Certificates to exhibits 104
Opinion, Briggle, J 105
Dissenting opinion, Lindley, J 110
Judgment 111
Recital as to petition for rehearing 111
Order denying petition for rehearing 112
Clerk's certificate 112
Proceedings in U. S. C. C. A., Seventh Circuit, Case of U. S. vs. Fowler 113
Recital as to notice of appeal 113
Docket entries, D. C. U. S 113
Certificate to exhibits 115
Minute entry of argument and submission 117
Opinion, Briggle, J 117
Dissenting opinion, Lindley, J 122
Judgment 123
Recital as to petition for rehearing 123
Order denying petition for rehearing 123
Clerk's certificate 123
Orders allowing certiorari 125

1 Pleas of the District Court of the United States for the Southern District of Indiana, at the United States Court House in the City of Indianapolis, in said District, before the Honorable Robert C. Baltzell, Judge of said District Court. Placita.

United States
vs.
Ralph Raynor, Chett Fowler, alias Chess Fowler } 6664 Criminal

BE IT REMEMBERED that heretofore to wit: at the May Term of said Court, on the 24th day of October, 1936, Before the Honorable Robert C. Baltzell, Judge of said Court the following proceedings in the above cause were had, to wit:

Comes now the Grand Jury and returns into Court the following bill of indictment to wit:

Oct. 24, 2 United States of America,
Southern District of Indiana, } ss.

IN THE DISTRICT COURT OF THE UNITED STATES

For the Southern District of Indiana

Indianapolis Division

May Term, 1936

United States
vs.
Ralph Raynor, Chett Fowler, alias Chess Fowler } No. 6664

The Grand Jurors of the United States within and for the Southern District of Indiana, impaneled, sworn, and charged in said Court at the term and division aforesaid, to inquire for the United States for the Southern District of Indiana, upon their oaths charge and present that:

Ralph Raynor and Chett Fowler, alias Chess Fowler, late of said district, at Indianapolis in Marion County, Indiana, in the Indianapolis Division thereof, on or about the 9th day of October, 1936, did then and there unlawfully, wilfully knowingly, and feloniously make and aid in the making of impressions in the likeness of part of an obligation of the United States, to-wit, reverse impressions of the face and back of a Federal Reserve note of the denomination of twenty dollars ($20.00), purporting to have been issued by the Federal Reserve Bank of Chicago, Illinois, Series 1928B, the serial numbering, check letter, and face plate numbers thereon being obscured by superimposed paper strips, which said impressions contained reproductions of the signatures of W. O. Woods, Treasurer of the United States, and A. W. Mellon, Secretary of the Treasury of the United States.

3 Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America.

COUNT II.

And the Grand Jurors aforesaid, upon their oaths aforesaid, do further charge and present that:

Ralph Raynor and Chett Fowler, alias Chess Fowler, late of said district, at Indianapolis in Marion County, Indiana, in the Indianapolis Division thereof, on or about the 9th day of October, 1936, after a distinctive paper had been adopted by the Secretary of the Treasury of the United States for the obligations and other securities of the United States, did then and there unlawfully, wilfully, knowingly, and feloniously have in their possession at and in rooms number 607 and 1015 in the Severin Hotel in Indianapolis, Indiana, similar paper adapted to the making of such obligations and other securities, without the authority of the Secretary of the Treasury or any other proper officer of the United States.

Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America.

Val Nolan
United States Attorney.

4 (Endorsed): No. 6664. United States District Court, Southern District of Indiana. The United States of America *vs.* Ralph Raynor, *et al.* Indictment: Counterfeiting. A true bill, Paul Daugherty, Foreman. Filed in open Court this 24th day of October, A. D. 1936. Albert C. Sogemeier, Clerk. Bail, Fowler $2,500.00; Raynor $5,000.00.

5 which bill of indictment is endorsed "A True Bill" and signed by Paul Daugherty, Foreman of said Grand Jury.

6 And afterwards to wit: at the May Term of said Court on the 30th day of October, 1936, before the Honorable Robert C. Baltzell, Judge of said Court, the following further proceedings were had herein to wit:

Comes now Val Nolan, Esq., Attorney for the United States, and comes also the defendant, Chett Fowler, alias Chess Fowler, in his own proper person, and said defendant being arraigned upon the indictment herein, for plea thereunto, says that he is not guilty as charged therein.

It is ordered by the Court that this cause be set for trial November 12, 1936.